

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY TAYLOR,

Plaintiff,

Case No. 13-cv-10859

Hon. Matthew F. Leitman

v.

WELLS FARGO BANK, NA, as
TRUSTEE OF THE HARBORVIEW
MORTGAGE LOAN PASS-
THROUGH CERTIFICATES,
SERIES 2006-12, *et al.*,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF # 32),
DISMISSING PLAINTIFF'S FIRST AMENDED COMPLAINT (ECF #19),
AND TERMINATING DEFENDANTS' MOTION TO DISMISS (ECF #27) AS
MOOT**

On July 29, 2014, Magistrate Judge Michael Hluchaniuk issued a report and Recommendation ("R&R") recommending that the Court (1) dismiss with prejudice Plaintiff Tony Taylor's First Amended Complaint (ECF #19) pursuant to Federal Rule of Civil Procedure 41(b), and (2) terminate as moot Defendants' motion to dismiss (ECF #27). (*See* ECF #32.) The R&R stated that the parties could object to and seek review of the recommendation within 14 days. (*See id.* at 7, Pg. ID 459.)

Neither party has objected to the R&R. Failure to object to the R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir.1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d

1370, 1373 (6th Cir.1987). Likewise, the failure to object to the Magistrate Judge's R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge. In addition, the Court has reviewed Defendants' Motion to Dismiss and finds the arguments therein to be well-taken.

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge's July 29, 2014, R&R (ECF #32) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED**, for the reasons stated in the R&R, that Plaintiff's First Amended Complaint (ECF #19) is **DISMISSED WITH PREJUDICE**, and that Defendants' Motion to Dismiss (ECF #27) is **TERMINATED AS MOOT**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 27, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 27, 2014, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113